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SUBJECT: KAZAKHSTAN: ALMATY NOTES, JANUARY 2007

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¶1. The "Almaty Notes" series is intended to maintain focus on developments in civil society, the media, and the opposition in Kazakhstan's "southern capital" following the move of the Embassy to Astana.

Young Opposition Activists Jailed for Embezzlement

¶2. On December 11, the Saryarka district court in Astana sentenced young opposition activist Makhambet Abzhan to three years in prison for misappropriation of 1,337,000 tenge (\$10,445) allocated for election campaigning. According to press reports Abzhan, the leader of the youth wing of the Communist Party of Kazakhstan, confessed to the crime. Abzhan received the money from the state budget in 2005 in order to campaign for a position in the Astana City Maslikhat. He instead used the money to publish the "Young Patriot" newspaper. After Abzhan was arrested in December 2005 in Kyrgyzstan and extradited to Kazakhstan, he repaid the money to the state election fund.

¶3. Abzhan was charged with misappropriating a large sum of money. The procurator asked the court to jail Abzhan for seven years. The court instead sentenced Abzhan to three years in prison, with an additional two year ban on involvement in public activities following his release.

¶4. Abzhan's friend Azamat Zhetpisbayev told the press that while they were in Kyrgyzstan, they set up a revolutionary committee. They called on youth organizations of Kazakhstan to unite their forces and to set up a single association. Had the presidential election in 2005 been rigged, they would have organized mass uprising. In addition, Abzhan made a number of public statements asserting that Nazarbayev had no right to run for the presidency.

¶5. Zhetpisbayev himself was arrested in Almaty on December 15. On December 22, Respublika newspaper published an appeal from Rozlana Taukina, president (and sole member) of the "Zhurnalisty v Bede" (Journalists in Distress) fund, to Minister of Internal Affairs Baurzhan Mukhamedzhanov asking the minister to intervene. Taukina claimed that the arrest of Zhetpisbayev, a correspondent of "Radio Azzatyk" (the Kyrgyzstan branch of RFE/RL), was politically motivated. She stated that he was arrested only because he is a friend and associate of Abzhan.

¶6. Since his arrest, Zhetpisbayev has been held in the Almaty pre-trial detention center; no charges have been filed. In her appeal, Taukina asked for assistance in facilitating his release and for permission for a representative of her organization to study the documents on the case as a public defender. In a December 28 telephone conversation with Pol FSN, Taukina complained that the

requests to see the journalist in the detention center had been denied.

¶7. On December 26, Astana TV reported that Zhetpisbayev's arrest was linked to the trial of Makhambet Abzhan. According to the report, Abzhan testified during his trial that Zhetpisbayev had seized part of the election fund (about 900,000 tenge, or \$7,000) misappropriated during the 2005 maslikhat election campaign.

Conflict between Uighurs and Kazakhs

¶8. On November 18, 2006, in the village of Shelek in the Almaty Oblast, there was a fight between a group of young Kazakhs and a group of young Uighurs. The fight reportedly erupted after a young Uighur said: "It is your state, but it is our land." The following day, there was a larger fight involving more than 300 people. The local police broke up the fight with the help of village elders.

¶9. On December 7, the opposition "Svoboda Slova" newspaper published an article titled "Uighurs of Shelek: It is Your State, but it is Our Land" by journalist Yerganat Uralbayev. The article, in which Uralbayev referred to inter-ethnic conflict, caused a very heated reaction. Journalist Bakhtiyar Gayanov, writing on the www.fergana.ru site on December 20, criticized Uralbayev for blaming young Uighurs for the conflict. Gayanov claimed that the article would lead to the emigration of non-Kazakhs, especially ethnic Russians.

¶10. "Svoboda Slova" published three pages of responses to the article on the Shelek incident on December 28. A group of Uighur sportsmen published an article calling on the newspaper's editorial staff not to incite inter-ethnic discord with biased coverage of a

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small incident. The newspaper published its interviews on the case with the local akim, some residents of the village and even local high school students. Only the school students confirmed that there had been numerous scuffles between local young Kazakhs and the young Uighurs who emigrated from China. Mazhilis member Serik Abdrakhmanov gave his comments on the incident, warning the public against stirring up discord. Finally, Uralbayev and "Svoboda Slova" editor-in-chief Yergaliyeva published their justification of why the article had been written and published.

¶11. Deputy Procurator General Bakhtybayev stated during a December 26 press conference in Astana that the incident in Shelek had been discussed by the collegium of the Procurator General's office. It found that the incident was exaggerated by biased coverage in the mass media. The Procurator General instructed the oblast procurator to give his opinion about the causes and how the incident was exaggerated in mass media, stressing that there would be follow-up.

Public Organization in Defense of Opposition Parties

¶12. A group of public organizations (Human Rights Bureau, AdilSoz, Union of Journalists, Almaty Helsinki Committee and Charter for Human Rights) monitoring the registration of political parties sent an inquiry to the Ministry of Justice Registration Committee asking why it has not registered the Alga and Social-Democratic parties. On December 8, 2006, Alga's application for registration was suspended again after it applied for registration for the third time on November 10. On November 22, 2006, the MOJ suspended review of the registration application of the Social-Democratic Party. The MOJ referred to legal provisions which allow the ministry to suspend a registration application to verify the list of the party members.

Afghan Veterans Oppose Sending Forces to Afghanistan

¶13. The Combat Brotherhood Union of Afghan War Veterans objects to the idea of sending a Kazakhstani military contingent to Afghanistan, the leader of the union, Sergey Pashevich, stated at a press conference in Almaty on December 20. Pashevich cited a visit

of an officer of the Ministry of Defense to Afghanistan as a sign of that the GOK is considering the deployment of Kazakhstani troops. The Union sent an open letter to parliament warning deputies against sending Kazakhstani military servicemen to Afghanistan.

Bulat Abilov's Trial Continues

¶14. On January 10, the Bostandyk district court in Almaty continued hearings in the trial of Bulat Abilov and his business partners (reftel). Pol-Econ Chief and Pol FSN observed the proceedings. The court considered several motions filed by the defense, including a request to adjourn the hearing until January 30 to allow the defense adequate time to scrutinize the 125 volumes of evidence, a request to replace the three Kazakh-Russian interpreters with qualified ones, a request to exclude one of the three procurators as he allegedly drove a defendant in a previous case to commit suicide, and a request to exclude the judge in the case for bias toward the prosecution. All the motions were rejected. The judge then adjourned the hearing until January 29.

Journalist Toguzbayev's Trial

¶15. On January 12, the Bostandyk district court in Almaty held another hearing in the trial of journalist Kazis Toguzbayev (reftel). Pol FSN observed the proceedings. The court heard the testimony of three state experts who analyzed the language of the articles and concluded that they insulted the president's dignity and honor. It turned out that there were two examinations because the first one was poor. The defense insisted that the Criminal Procedure Code had been violated, because Toguzbayev had not been notified about the examinations and their findings.

¶16. Toguzbayev announced that he had sent a letter to President Nazarbayev asking whether his articles insulted Nazarbayev's dignity and honor. In this connection, Toguzbayev's lawyer asked the court to adjourn the hearing until Nazarbayev responds to Toguzbayev's letter. The judge rejected the request as well as the majority of other motions by the defense. The judge announced the next hearing for January 16 and asked the parties to be ready for concluding arguments.

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